

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA  
STATESBORO DIVISION**

RANDY DEMOND DRUMMER,

Petitioner,

v.

WARDEN JOSE MORALES,

Respondent.

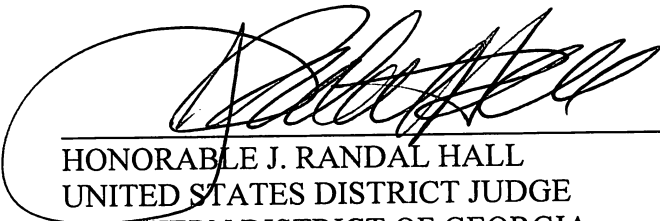
CIVIL ACTION NO.: 6:16-cv-123

**ORDER**

Presently before the Court is Petitioner Randy Drummer's ("Drummer") Motion to Dismiss without Prejudice. (Doc. 14.) Pursuant to Federal Rule of Civil Procedure 41(a)(2), "an action may be dismissed at the [petitioner's] request only by court order, on terms that the court considers proper. Unless the order states otherwise, a dismissal under this paragraph . . . is without prejudice." Rule 41 applies to Section 2254 proceedings. Clark v. Tansey, 13 F.3d 1407, 1413 (10th Cir. 1993); Kramer v. Butler, 845 F.2d 1291, 1294 (5th Cir. 1988); Lowry v. Crews, No. 3:12CV525/LC/CJK, 2013 WL 1092465, at \*1 (N.D. Fla. Feb. 12, 2013), *report and recommendation adopted*, No. 3:12CV525/LAC/CJK, 2013 WL 1092242 (N.D. Fla. Mar. 15, 2013).

Accordingly, the Court **GRANTS** Drummer's Motion and **DISMISSES** this case **WITHOUT PREJUDICE**. The Court **DIRECTS** the Clerk of Court to enter an appropriate Judgment of Dismissal and to **CLOSE** this case.

**SO ORDERED**, this 7<sup>th</sup> day of March, 2017.

  
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HONORABLE J. RANDAL HALL  
UNITED STATES DISTRICT JUDGE  
SOUTHERN DISTRICT OF GEORGIA